Applicant:	KRAENZEL *et al.*
Serial No:	10/091,573
Filing Date:	March 7, 2002
Page:	1 of 5

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:	Carl Joseph KRAENZEL *et al.*
SERIAL No.:	10/091,573
ATTORNEY DOCKET No:	042846-0312968
FILING DATE:	MARCH 7, 2002
ART UNIT :	3629
EXAMINER	TAN D. NGUYEN
FOR:	SYSTEM AND METHOD FOR IDENTIFYING SYNERGISTIC OPPORTUNITIES WITHIN AND BETWEEN ORGANIZATIONS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

In response to the Final Office Action mailed **April 9, 2007** (hereinafter "Final Action"), Applicants request a review of the Final Rejection in the above-referenced application. This request is being filed concurrently with a Notice of Appeal.

The review is requested for the reasons set forth in the **Remarks** beginning on page **2** of this paper.

A total of **5** pages are provided.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and are hereby authorized to be charged to our Deposit Account No. 033975 (**Ref. No. 042846-0312968**).

Applicant:	KRAENZEL *et al.*
Serial No:	10/091,573
Filing Date:	March 7, 2002
Page:	2 of 5

REMARKS

Claims 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33, and 37 are pending in this application and currently stand rejected. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Review is requested for the rejection of claims 1-2, 4-6, 8, 12, 14-15, 17-19, 21, 25-27, 29-31, 33, and 37 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,960,173 to Tang *et al.* ("Tang") [Final Action, pg. 3, ¶4].

Independent claims 1, 14, and 26 each recite, *inter alia*, the features of:

> ...enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic;

In the Final Action, the Examiner alleges that Tang discloses the claimed invention with the exception of associated information (for a declared topic) comprising at least one of a topic description or one or more keywords relating to the topic [Final Action, pg. 5]. The Examiner alleges that it would have been obvious to modify Tang to overcome this admitted deficiency, apparently because Tang teaches using matching criteria (*e.g.*, same application type or name) to compare received status messages to stored status messages. To support this allegation, the Examiner relies upon column 14, lines 5-25 of Tang.

First, the Examiner concedes that Tang does not disclose the claimed aspects where the associated information for a declared topic includes at least one of a topic description or one or more keywords relating to the topic. Then, the Examiner alleges that Tang's matching criteria normally contains keywords or topics, and that it would have been obvious to modify Tang's matching criteria to include the claimed aspects of keywords or topics. Applicants disagree.

The cited portion of Tang describes the process by which an encounter server (141) receives and compares a status message with a stored status message (147). This

Applicant:	KRAENZEL *et al.*
Serial No:	10/091,573
Filing Date:	March 7, 2002
Page:	3 of 5

comparison is based on application type, application name, or other matching criteria. The encounter server (141) then sends position data, included in the status message, to a match object (133). This position data is based on criteria including an application that a worker is currently using, data the worker is accessing or manipulating, and the time at which such actions occur. *See*, column 3, lines 24-30 of Tang. The match object (133) is included in an encounter-aware application (131) that resides on a user's computer. The match object (133) determines whether the users specified in the status message are task proximate according to the position data. *See*, column 14, lines 18-25 of Tang. Thus, it would have not have been obvious to modify the matching criteria as alleged by the Examiner since the determination of task proximity is apparently based on the position data and not the matching criteria.

Regardless, assuming <u>arguendo</u> that Tang could be modified in the manner alleged by the Examiner, the rejection would still be <u>improper</u> as Tang (even as improperly modified) fails to disclose, teach, or suggest all of the features of independent claims 1, 14, and 26.

     A.   **Tang fails to teach or suggest enabling one or more users to declare, and associate information with, one or more topics.**

As noted above, independent claims 1, 14, and 26 each recite, *inter alia*, the features of:

> ...enabling one or more users to declare, and associate information with, one or more topics, wherein associated information for a declared topic comprises at least one of a topic description, or one or more keywords relating to the topic;

Tang does <u>not</u> teach or suggest these features. By way of background, Tang appears to teach a mechanism that enables workers using their computers to know which other workers are "nearby" in terms of the type of work they are doing, such as the data they are accessing, the application they are using, and the time when such work was performed [Tang, col. 3, lines 24-29]. The mechanism is embodied within a computer network

Applicant:	KRAENZEL *et al.*
Serial No:	10/091,573
Filing Date:	March 7, 2002
Page:	4 of 5

including computers running encounter-aware applications and corresponding encounter proxy objects that provide a communication mechanism to an networked encounter server [*Id.*, col. 13, lines 29-32]. The encounter server maintains a list of the encounter-aware applications on the computers within the computer network and receives information about each application from its encounter proxy. The server further maintains information identifying which application is currently active for the user [*Id.*, col. 13, lines 61-67]. The encounter server receives and stores status messages from the encounter proxy objects, wherein the status messages identifies at least the application and the user's position within the application [*Id.*, col. 14, lines 3-10]. The encounter server receives status messages and compares the received message with stored status messages and, based on a comparison, determines whether user's are task proximate [*Id.*, col. 14, lines 18-35].

From the foregoing, it appears as though Tang does <u>not</u> teach or suggest enabling one or more <u>users</u> to declare, and associate information with, one or more topics. Moreover, Tang does not appear to rely on any overt actions by a <u>user</u> to find others with similar interests, as disclosed and claimed by Applicants. Rather, Tang appears to rely on the use of encounter-aware applications and encounter proxy objects to monitor activities on a computer and communicate with an encounter server. Based on information received and stored on the encounter server, task proximity is determined.

In the Final Action, at pg. 5, the Examiner relies on col. 14, lines 5-25 of Tang as allegedly teaching the foregoing feature. Nothing in the cited passage, however, appears to teach or suggest that <u>users</u> affirmatively declare, and associate information with, one or more topics. For *at least* this reason, the rejection is improper and should be reversed.

> **B.** **Tang fails to teach or suggest storing declared topics and their associated information and determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information**

Independent claims 1, 14, and 26 further recite the features of:

> ...storing declared topics and their associated information;
>
> ...

Applicant:	KRAENZEL *et al.*
Serial No:	10/091,573
Filing Date:	March 7, 2002
Page:	5 of 5

> ...determining if the user appears to be interested in a declared topic based on the monitored activities and based on the declared topic's associated information;

Tang does not teach or suggest these features. As discussed above, Tang does <u>not</u> teach or suggest enabling one or more <u>users</u> to declare, and associate information with, one or more topics. Accordingly, Tang necessarily fails to teach the claim features of storing <u>declared topics</u> and their <u>associated information</u>, and determining if the user appears to be interested in a <u>declared topic</u> based on the monitored activities and based on the <u>declared topic's associated information</u>. For *at least* these reasons, the rejection is improper and should be reversed.
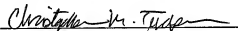
CONCLUSION

For at least the foregoing reasons, the rejection of independent claims 1, 14, and 26 under 35 U.S.C. § 103(a) over Tang is legally improper and should be reversed. Dependent claims 2, 4-6, 8, 12, 15, 17-19, 21, 25, 27, 29-31, 33, and 37 are allowable because they each depend from an allowable independent claim, as well as for the further features they recite. Accordingly, the pending claims are patentable over Tang, and the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: July 9, 2007

Respectfully submitted,

By: *Christopher M. Tucker*
Christopher M. Tucker
Registration No. 48,783

Customer No. 00909

PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O. Box 10500
McLean, Virginia 22102
Direct Dial: 703-770-7646
Main: 703-770-7900
Fax: 703-770-7901

400597528_2.DOC